IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1632 OF 2006

Mr.Ganpat Sonu Kate. ...Petitioner.
Vs.
Sangli Urban Co-operative Bank Ltd.& Anr. ...Respondents.
....
Mr. N.A. Kulkarni for the Petitioner.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

June 22, 2006.

P.C.

The Labour Court dismissed the complaint of unfair labour practice in which the Petitioner had challenged his being superannuated on the basis of his date of birth being of the year 1942. The Petitioner was retired on 31st December 2000. The order of the Labour Court was confirmed in revision.

The Punjab Urban Co-operative Bank with which the Petitioner was earlier working came to be merged with Sangli Urban Co-operative Bank. The Petitioner himself had filled in declarations at Exhs.24 and 25, in which he disclosed his date of birth as 7th December 1942. In these circumstances, it cannot be

said that the Labour Court has committed any error of jurisdiction in relying upon a declaration which admittedly was filled in by the Petitioner and which the Petitioner admits as genuine. The contention of the Respondent that his correct date of birth was in 1944 was not substantiated by the production of any authenticated document. No birth certificate of the Competent Authority was produced and the contention of the Petitioner was that the record of the school was destroyed in the floods of 1962. A photo copy of an alleged letter written by the Regional Provident Fund Commissioner to the Registry of the Human Rights Commission was sought to be relied upon. However, the records of the Employees' Provident Fund Organisation were not sought to be summoned on behalf of the Petitioner. The date of birth appearing in those records was not proved in evidence, as a result. In these circumstances, having regard to the statement made by the Petitioner himself in his declaration, the Court was correct in rejecting the complaint of unfair labour practices. No interference is warranted under Article 227. The petition is dismissed.

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